



PATENTS  
593/002 CIP 2 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Robert A. VanTassel et al.

Application No. : 10/655,867 Confirmation No.: 7301

Filed : September 5, 2003

For : BARRIER DEVICE FOR COVERING THE OSTIUM  
OF LEFT ATRIAL APPENDAGE

Group Art Unit : 3731

Examiner : Michael G. Mendoza

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

10/29/2004 JAD001 00000039 10655867 TERMINAL DISCLAIMER  
01 FC:2814 55.00 OP UNDER 37 C.F.R. § 1.321(b,c)

Sir:

ATRITECH, INC., a corporation of the State of Minnesota, having its principal office and place of business at 15350 25th Avenue, Minneapolis, Minnesota 55447, represents that it is the assignee of record of the entire, right, title and interest, by assignment, of the following issued United States patent and pending United States patent application:

1. U.S. Patent No. 6,652,556 for "FILTER APPARATUS FOR OSTIUM OF LEFT ATRIAL APPENDAGE," issued November 25, 2003 on Application No. 09/697,628, filed October 26, 2000. An assignment of the '628 application by the inventors to ATRITECH, INC. was recorded on April 23, 2001 at Reel 11735, Frames 632-652.

2. Application No. 10/655,867, filed September 5, 2003 as a continuation of copending Application No. 09/642,291, filed August 18, 2000. The '291 application issued

November 25, 2003 as U.S. Patent No. 6,652,555. An assignment of the '291 application by the inventors to ATRITECH, Inc. was recorded on January 11, 2001 at Reel 11439, Frames 889-910. The assignment of the '291 application is effective for the '867 application as a continuation.

The undersigned, on behalf of ATRITECH, INC., hereby disclaims the terminal portion of the term of any patent to be issued on the present application, Application No. 10/655,867, which would extend beyond the expiration date (currently October 27, 2019), of the full statutory term of U.S. Patent 6,652,556.

The undersigned, on behalf of ATRITECH, INC., agrees that any patent to be issued on the present Application No. 10/655,867 shall be enforceable only for and during such period as the legal title to such patent shall be the same as the legal title to said Patent No. 6,652,556, this agreement to run with any patent to be issued on Application No. 10/655,867 and to be binding upon the grantee of such patent and its successors and assigns.

The undersigned, on behalf of ATRITECH, INC., does not disclaim any terminal part of the term of any patent, to be issued on the above-identified Application No. 10/655,867, that would extend to the expiration date (currently October 27, 2019), of the full statutory term of U.S. Patent 6,652,556, in the event that U.S. Patent 6,652,556: (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a,b), (e) has all claims cancelled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. He is an attorney of record in the above-identified patent application and is authorized to act on

behalf of assignee corporation in connection with said application; and

2. The relevant evidentiary documents have been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the above-identified Application No. 10/655,867 is in assignee.

ATRITECH, INC.

Oct. 27, 2004

Date

By:

Robert R. Jackson

Robert R. Jackson

Reg. No. 26,183

Attorney for Applicant  
and Assignee

FISH & NEAVE LLP

Customer No. 1473

1251 Avenue of the Americas  
New York, New York 10020-1105  
Tel.: (212) 596-9000